

Standard Operating Procedure (SoP) for the Grievance Cell of the Judiciary 2022

The Judiciary hereby adopt SoP for its Grievance Cell that will facilitate effective shouldering of the constitutionally mandated judicial responsibility under Article 21 of the Constitution of the Kingdom of Bhutan 2008 by the Judiciary and its employees.

Commencement

- 1) This SoP shall come into force from the day of the notification by the Supreme Court of Bhutan.

Purpose

- 2) The purposes of this SoP are to:
 - a) Understand and appreciate the needs, difficulties and aspirations of the justice service consumers,
 - b) Address the aspiration and meet the expectations of the justice service consumers, and
 - c) Enhance and ensure improved judicial service.

Grievance Cell and its Members

- 3) The Grievance Cell (Cell) is established at the Supreme Court.
- 4) The Cell would be led by the Registrar General of the High Court under the supervision of the Registrar General of the Supreme Court (RGSC).
- 5) The Cell may be provided with staff required to attend to its mandates by the RGSC.
- 6) The Cell under the instruction of the Chief Justice of Bhutan may form Committees to assist the Cell in carrying out its mandates.

Power of the Cell

- 7) The Cell or the Committee under the instruction of the Chief Justice of Bhutan shall be authorized to require any judicial personnel and others working with the Judiciary to submit documents, statistics, data, written or oral testimony or any other information related to their office to the Chief Justice of Bhutan and the Cell within a reasonable time.
- 8) The Cell or the Committee under the instruction of the Chief Justice of Bhutan shall be authorised to find facts where necessary to address a grievance or complaint the Cell receives.
- 9) The Cell or the Committee in consultation with the Chief Justice of Bhutan may require any Judicial Personnel or others working with the Judiciary to be present in person at the Cell to submit his or her oral or written testimony that will help the Cell or Committee in carrying out its mandates.
- 10) Where necessary, the Cell may conduct an on-site investigation and enquiry.

Conflict of Interest

- 11) A member of the Cell or Committee shall declare any conflict of interest, if any, in executing any task under this SoP.

Roles and Responsibilities of the Cell

- 12) The Cell shall register any written grievance or complaints by any person regarding any matter relating to the Judiciary and its personnel.
Provided a grievance or complaint against a Justice or Judge shall be filed on affidavit in writing with verifiable facts in the office of the presiding officer of the Cell.
- 13) The Cell shall record any feedback or comments it receives in writing from any person regarding any matter relating to the Judiciary and its personnel.
- 14) The Cell shall register the details of any person coming to the Cell with a grievance or complaint.
- 15) Where it deems necessary, the Cell shall liaise with the Chief Justice of Bhutan through the Office of the RGSC in addressing the grievances and complaints it receives.
- 16) The Cell shall function subject to the independence of judicial institutions.
- 17) The Cell shall not entertain and register any grievance or complaint relating to a matter that is *sub judice*.
- 18) The Cell shall not entertain any grievance or complaint against a judicial order or judgement. The Cell shall, if need be, explain the content of the judgment to the complainants.
- 19) The Cell in consultation with the Chief Justice of Bhutan may forward any grievance or complaint against a Justice or Judge to the Investigation Committee appointed by the National Judicial Commission or the Royal Judicial Service Council for further action.
- 20) The Cell may investigate a grievance or complaint and forward it to the National Judicial Commission or Royal Judicial Service Council for further action, as the case may be.
- 21) In cases where a grievance or complaint has come from a public office or media house relating to a subject matter of public interest, the Cell shall forward its findings to the Media and Communication Unit of the Judiciary to issue a press release besides communicating the same to the complainant.
- 22) The Cell may, if need be, recommend the next course of action to the complainant.
- 23) The Cell may take or recommend taking certain actions against the complainants for baseless allegations, complaints or grievances against the Judiciary and/or its employees.
- 24) The Cell shall not entertain a grievance or complaint once received and addressed through a finding or report.
- 25) The Cell shall upon its finding recommend reforms to ensure better judicial service.

Amendment

- 26) This SoP may be amended by the Supreme Court of Bhutan from time to time.